

Removal of Special Waste and Industrial Waste

LSA Document #01-288

Overview

This rule will remove references to special waste and industrial waste throughout 329 IAC 10 through 329 IAC 13 as required by section 10 of Public Law 218-2001.

Citations Affected

329 IAC 10-2-29.5	329 IAC 10-8.1	329 IAC 11-8-2.5
329 IAC 10-2-32	329 IAC 10-8.2	329 IAC 11-8-3
329 IAC 10-2-72.1	329 IAC 10-9-2	329 IAC 11-9-6
329 IAC 10-2-115	329 IAC 10-9-4	329 IAC 11-13-4
329 IAC 10-2-116	329 IAC 10-14-2	329 IAC 11-13-6
329 IAC 10-2-117	329 IAC 10-20-14.1	329 IAC 11-15-1
329 IAC 10-2-130	329 IAC 10-20-29	329 IAC 11-19-2
329 IAC 10-2-135.1	329 IAC 10-28-21	329 IAC 11-19-3
329 IAC 10-2-135.5	329 IAC 10-28-24	329 IAC 11-20-1
329 IAC 10-2-174	329 IAC 10-36-19	329 IAC 11-21-4
329 IAC 10-2-179	329 IAC 11-2-19.5	329 IAC 11-21-5
327 IAC 10-2-197.1	329 IAC 11-2-39	329 IAC 11-21-6
329 IAC 10-2-199.1	329 IAC 11-2-44	329 IAC 11-21-7
329 IAC 10-2-201.1	329 IAC 11-3-2	329 IAC 11-21-8
329 IAC 10-5-1	329 IAC 11-6-1	329 IAC 12-8-4
329 IAC 10-7.1	329 IAC 11-7	329 IAC 13-3-1
329 IAC 10-7.2	329 IAC 11-8-2	

Affected Persons

Generators and transporters of solid waste. Owners, operators and permittees of solid waste land disposal facilities and processing facilities.

Reason(s) for the Rule

This rule is required by P.L. 218-2001.

Economic Impact of the Rule

The net economic impact of this rule is estimated to be a potential savings to regulated entities in Indiana.

Benefits of the Rule

This rule will simplify the rules for management and disposal of solid wastes other than municipal solid waste and hazardous waste.

Description of the Rulemaking Project

This rule removes all references to special waste and industrial waste throughout 329 IAC 10 through 329 IAC 13. It also makes conforming changes where required to maintain the continuity of a rule. For example, in the rule for alternative daily cover at 329 IAC 10-20-14.1, functional criteria were substituted for references to the existing special waste rule in 329 IAC 10-8.1. This rule also makes changes to streamline and simplify the affected sections, and to correct inconsistencies with administrative rule drafting standards.

Scheduled Hearings

First Public Hearing: September 17, 2002

Second Public Hearing: January 21, 2003

Consideration of Factors in IC 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant, animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

This rule is consistent with the federal municipal solid waste management program at 40 CFR 258.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the departments responses from the first comment period, a notice of first public hearing, and the draft rule. The Solid Waste Management Board holds the first public hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public hearing is held and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Secretary of State.